

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

VERONICA BARNES,

Plaintiff,

vs.

LINCOLN NATIONAL LIFE
INSURANCE COMPANY, a
corporation,

Defendant.

8:15-CV-469

ORDER

This matter is before the Court on the Plaintiff's Motion to Remand (filing 7) and the Magistrate Judge's Findings, Recommendation, and Order (filing 13) recommending that the motion be denied.

The plaintiff has not objected to the Magistrate Judge's recommendation. [Title 28 U.S.C. § 636\(b\)\(1\)](#) provides for de novo review of a Magistrate Judge's findings or recommendations only when a party objects to them. [Peretz v. United States, 501 U.S. 923 \(1991\)](#). Failure to object to a finding of fact in a Magistrate Judge's recommendation may be construed as a waiver of the right to object from the district court's order adopting the recommendation of the finding of fact. [NECivR 72.2\(f\)](#).

The Magistrate Judge's findings and recommendation advised the parties that failure to object to the findings and recommendation may be held to be a waiver of the right to appeal the Court's adoption of the recommendation. Filing 13 at 4. And the failure to file an objection eliminates not only the need for de novo review, but any review by the Court. [Thomas v. Arn, 474 U.S. 140 \(1985\)](#); [Leonard v. Dorsey & Whitney LLP, 553 F.3d 609 \(8th Cir. 2009\)](#); *see also* [United States v. Meyer, 439 F.3d 855, 858-59 \(8th Cir. 2006\)](#). Accordingly, the Court deems any objection to the Magistrate Judge's findings and recommendation waived, and the Court will adopt the Magistrate Judge's recommendation that the motion to remand be denied.

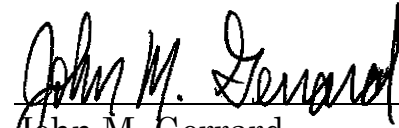
IT IS ORDERED:

1. The Magistrate Judge's Findings, Recommendation, and Order (filing 13) are adopted.

2. The Plaintiff's Motion to Remand (filing [7](#)) is denied.

Dated this 12th day of February, 2016.

BY THE COURT:

A handwritten signature in black ink, reading "John M. Gerrard", written over a horizontal line.

John M. Gerrard
United States District Judge